

# Framing Swedish Sami Policy

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## Abstract

An ambiguity characterises Swedish Sami policy. In some regards, Sweden is securing rights for the Sami and receiving praise from international organisations. However, Sweden is also criticised for not supporting Sami interests, as for instance regarding a ratification of the ILO convention No. 169. Thus, Swedish Sami policies have showed to support disparate ends; in some instances strengthening Sami rights, and in others deeming against. Through frame analysis, this thesis aims to determine whether distinct assumptions of theories on multiculturalism can explain the discrepancies between these types of Sami policies. Moreover, the thesis aspires to concretise the challenges inhibiting Sweden's ratification of ILO 169. The study shows, that conflicting notions of multiculturalism do not explain why Sami policies promote disparate ends, rather, the two types of policies are as conflicted within, as in relation to each other. Instead, the policies seem to differ in terms of interest.

*Keywords:* Multiculturalism, Indigenous Rights, Frame Analysis, Sweden, Sami.

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# 1. Introduction

Contemporary Swedish Sami policy is challenged on different levels. Rebecca Lawrence and Ulf Mörkenstam describe Swedish Sami policy as being Januslike in its appearance. A statement that they ground on the fact that Sweden seems to both strive towards earning greater respect regarding indigenous rights, and on the other hand, Sweden is regularly criticised for not doing enough to cater for Sami rights (Lawrence & Mörkenstam, 2012, p. 233). For example, the United Nations Human Rights Council (UNHRC) acknowledged the constitutional changes of 2011, where the Sami were explicitly recognised as an indigenous people (UNHRC, 2016, p. 8). In 2017, the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) ruled, that Sweden continues to ensure the protection of the rights of the country's national minorities (ACFC, 2017, p. 1). So far, the Swedish Government's Sami policies are recognised by international organisations as being adequate and effective. Notwithstanding these observations, Swedish Sami policies are also acclaimed insufficient in several respects.

The ACFC deemed in 2017 that Sweden is failing to create opportunities for the Sami to participate in decision-making processes that affect them at the municipal, county and national levels (ACFC, 2017, p. 2). In UN reports on the rights of indigenous peoples, the Swedish Sami Parliament's construction as both a government agency and a popularly elected body, is regarded problematic (UNHRC, 2016, p. 11 - UNHRC, 2011, p. 8). In a 2016 report it is stated that Sweden, despite being party to the major UN human rights treaties, has yet to ratify the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention (No. 169) (UNHRC, 2016, pp. 10-11). Observations of this sort speak of a certain ambiguity concerning Swedish Sami policy, in which it is both regarded adequate and insufficient. It is this ambiguity that this thesis aims to examine. More specifically, this thesis aspires to understand why Sweden, a country often associated with promoting human and

minority rights, exhibits an apparent reluctance to ratify such a principal convention as ILO 169.

The ILO Indigenous and Tribal Peoples Convention is a treaty adopted in 1989. It seeks to strengthen tribal and indigenous peoples distinct social, cultural and economic conditions in relation to larger society (ILO C169, art. 1-2). The Swedish Government announced that Sweden intended to ratify ILO 169 in 1989. However, a concession to the convention has been kept on hold for approximately 30 years, through Swedish governments deeming that a ratification should not be rushed (Lundmark 2008, p. 430).

Research on Swedish Sami policy often applies a historical focus. As for instance in Ulf Mörkenstams *“Lapparnes privilegier”: Conceptions of Samihood in Swedish Sami policy 1883-1997*, where he shows that conceptions of the Sami as reindeer herders, have been a means to grant customary rights to the Sami population. Also, this has enabled social power relations to be upheld within public institutions (Mörkenstam, 1999, pp. 262-263). Sofia Persson et al. show that historical asymmetrical power relations are reproduced in prevailing institutions, and that they shape contemporary Sami policies (Persson - Harnesk - Islar, 2017). Patrik Lantto and Ulf Mörkenstam demonstrate how conceptions of Samihood have limited the possibilities of political action in Swedish Sami policy (2008, p. 26). Furthermore, they trace a discursive change in Sami policy, where the State's conception of Samihood has shifted from focusing on the Sami as reindeer herders, to concentrating on them as an indigenous people. However, this discursive change has not been accompanied by a radical change in political practice (Lantto & Mörkenstam, 2008, p. 40-41).

This thesis takes a slightly different approach. Instead of comparing Sami policies over time, it compares two types of Sami policies that promote disparate outcomes; in some instances advocating strengthened Sami rights and in others deeming against. I will focus on one example in which Sweden is exhibiting an unwillingness to sponsor Sami rights, namely regarding a ratification of the ILO convention No. 169. Through comparing Swedish policy documents considering ILO 169 with others, that advocate Sami rights, I aim to offer insight into if they express notions that represent conflicting concepts of multiculturalism, and if this can explain why these policy areas promote disparate ends. Furthermore, this thesis strives

towards gaining an understanding of how these notions are enabling political change in some areas, and inhibiting change, regarding a concession to the ILO convention, in others.

## 1.1 Thesis Aim and Research Question

Swedish Sami policy expresses an ambiguity through which the Sami population is prevented from knowing in which instances they can expect their rights to be guaranteed, and in which they cannot. I view the case as having to do with issues raised in theories on multiculturalism. Theories on multiculturalism are characterised by their focus on the challenges that liberal democracies stand before when motivating customary rights for members of indigenous and minority groups, and their focus on how states should meet difficulties that arise from multicultural society. Through frame analysis, this thesis aspires to determine which assumptions underlie the different types of Swedish Sami policy, in order to see whether they apply different frames. Furthermore, I seek to discover whether different frames can explain why the two types of Sami policies promote disparate outcomes. By linking these notions to theories on multiculturalism, I wish to concretise which prevailing notions authorise a strengthening of Sami rights in some regards, and not others.

The purpose of this thesis is to contribute to a deeper understanding of Sweden's reluctance to ratify ILO 169, through determining whether different types of Swedish Sami policies are supported by frames that rely on conflicting notions of theories on multiculturalism. The research question applied in the thesis is:

- Which frames support the different outcomes of Swedish Sami policies?

### 1.1.1 Scope

Despite having a narrow empirical focus, I consider that this thesis can deepen our understanding of the development of minority and indigenous rights in general, and offer

insight into the challenges that modern liberal democracies face when dealing with multicultural society. The legitimacy of liberal democracies builds on a relationship between the state and its citizens, wherein the state has an obligation to provide certain rights to its inhabitants, and in turn respect the integrity of these rights (Parekh, 2000, pp. 182-185). The case of Swedish Sami policy exemplifies a state neglecting these responsibilities in some areas, and safeguarding them in others, therefore blurring the limits of legitimate political action.

In addition to having a narrow empirical focus, the thesis analyses empirical data from a shorter time period than is usual in the field. It is often considered of importance to apply a historical perspective (Lantto & Mörkenstam, 2008, p. 27) when studying Sami policy. I do not disagree with this view, and will therefore incorporate a historical perspective by including contributions from other researchers in the analysis. Furthermore, I consider that through focusing foremostly on contemporary Sami policies, this thesis can draw awareness to how issues raised in political theory are manifested in a liberal democracy today.

## 2. Theory

In order to determine whether the types of Swedish Sami policies are supported by distinct frames, leading them to promote disparate ends, I will apply ideas from theories on multiculturalism. The following chapter presents central concepts, from different theorists, on multicultural society. Among other things, the following notions are introduced: issues that modern democracies stand before when dealing with multicultural society, how customary rights can be motivated for minority groups within these limitations, and how states affect minority groups when failing to meet their demands.

### 2.1 Democracy, the State and Multicultural Society

The simplest definition of democracy is rule of the people. One argument for democracy is that it entails the most just procedure of policy-making, because it best realises the general will (Lundström, 2009, pp. 14 & 31). A central principle in democracy is that the majority has a right to decide what is best for society at large. According to Robert Dahl this principle is unsuitable in a multicultural society, due to that it presupposes a homogenous demos with identical preferences. Hence, democracy contributes to a pending risk that minority interests will not be catered for (Dahl, 1999, pp. 180-181). In response to this dilemma, that democracy has the ability to both realise the most fair rule and unjustly oppress minorities, ways of accommodating diversity have been sought, often in the form of minority rights (Lantto & Mörkenstam, 2008, p. 27). Minority rights are collective in nature, that is to say they aim to meet minority groups demands for recognition, justice and equality, therefore they involve deviating from the democratic principle that all members of society should be treated equally (Mörkenstam, 2009, p. 134). Multicultural society can, through this perspective, be seen as challenging some of democracy's most central concepts.



Bhikhu Parekh characterises the state as being: “...not a culturally neutral instrument of order and stability as it is often assumed to be, but is embedded in a particular vision of political order.” (Parekh, 2000, p. 179). Parekh lines up a number of characteristics that constitute the modern state, among which these are mentioned: Firstly, the modern state rests on a set of single constitutional principles and exhibits an unambiguous identity. Secondly citizens in a modern state enjoy equal rights, meaning that cultural differences are abstracted away and deemed politically irrelevant. Thirdly, citizenship is a unitary, unmediated and homogenous relationship between the individual and the state, and it is the state’s responsibility to regulate relations between citizens (Parekh, 2000, pp. 182-183). Parekh means that these features can explain the struggles that socially or culturally diverse groups experience in the modern state today. When communities entertain different views on what constitutes good society or a good way of life, citizens cannot be treated in an identical manner. Thus, the modern state becomes an instrument of injustice and oppression, enforcing the infractions it seeks to prevent (Parekh, 2000, p. 185).

## 2.2 Collective Rights and the Liberal State

Parekh sees collective rights as a means with which minority groups can maintain their mutual identity in a multicultural society. Moreover, he means that collective rights are difficult to accommodate within liberal law and that they raise questions about which collectivities may legitimately claim which kinds of rights (Parekh, 2000, p. 213).

Will Kymlicka is of a similar stance. He argues that despite collective rights often being perceived as a threat to liberal democracy, and that advocating certain collective rights can lead to potential abuses of other communities, they are consistent with central liberal principles. Political life, according to Kymlicka, has an inescapable national dimension wherein the distribution of powers in courts, bureaucracies and parliaments consistently give profound advantages for members of the national majority, and disadvantages for minorities. For these reasons, he suggests that collective rights should be limited in two ways: Firstly, collective rights should not allow one group to dominate another and secondly they should

not enable a group to oppress its own members. Therefore, liberals should seek collective rights that ensure equality between groups, and freedom and fairness within groups (Kymlicka, 2000, pp. 193-195).

## 2.3 A Politics of Recognition and a Politics of Inclusion

From the middle of the 20th century until today, we have witnessed the emergence of a set of intellectual and political movements driven by diverse groups such as national minorities, immigrants, feminists, LGBTQIA and indigenous peoples (Parekh, 2000, p. 1). Although they do not share a common political agenda, they each have in common that they represent views, practices, and ways of life that differ from the dominant culture of wider society (ibid.). Charles Taylor means that these groups' demands for recognition can be understood as an effect of a link between recognition and identity. What Taylor means by this is that our identities are partly shaped by recognition, or lack thereof, and that failures of recognition can cause real harm as a consequence of it being a fundamental human need (Taylor, 1994, pp. 25-26).

Iris Marion Young argues in her *Inclusion and Democracy* that specific group rights are an instrument with which institutional obstacles, hindering members of minority groups from acquiring their rights, can be challenged. She further states that these institutional obstacles are part of a system of social structures that position people unequally in processes of power (Young, 2000, pp. 86-87). A reasoning similar to that of Kymlicka, when he argues that justice and equality between members of separate groups, require group differentiated citizenship (Kymlicka, 1995, pp. 47-48). Neglecting the notion that democracy is desirable for its ability to facilitate a common good, Young means that it is necessary to scrutinise the concept of society having common interests and instead focusing on society as differentiated by structural relations of privilege and disadvantage (Young, 2000, p. 109).

Moreover, Young states that when there is a lack of recognition for minority rights, this is usually tied to questions regarding control over resources, segregation from opportunities and

exclusion from political influence or economic participation (Young, 2000, p. 105). She further adopts a relational concept of autonomy, meaning that actors are capable of choosing and pursuing their ends. This entails that social groups cannot be defined by a given essence, they are themselves capable of choosing their identity. This interpretation thus leads to the notion that an adequate policy of autonomy should promote the capacity of persons to support their own ends (Young, 2000, p. 231).

## 3. Method

My way of analysing which concepts of theories on multiculturalism underlie the different types of Swedish Sami policies, is by frame analysis. Hereby follows an introduction of frame analysis, its intentions and contributions. Thereafter, the thesis' research design is presented.

### 3.1 Frame Analysis

In *Frame Analysis: an Essay on the Organization of Experience* sociologist Erving Goffman was the first to present an analysis of how people use frames to understand social reality (Lepistö-Johansson, 2012, p. 405). He meant that people experience reality differently based on which conceptual frames, or ways to organise experience, are exercised and that these in turn structure an individual's perception of society and give meaning to events (Goffman, 1974, pp. 8, 11 & 26). Pii Lepistö-Johansson means that frame analysis can assist researchers with several insights and assist in everything from understanding how dominant frames are used within social institutions to how framing processes are expressed in public discourse (Lepistö-Johansson, 2012, pp. 2 & 5).

Gerald M. Kosicki highlights the meaning of language in frame analysis (Kosicki, 2008, p. 397). He states that language, is a means with which frames are constructed, and that frames in turn shape public discourse (Kosicki, 2008, p. 397). Through its focus on language, frame analysis can be seen as related to discourse analysis. Discourse analysis focuses around certain epistemological assumptions meaning that language constructs reality, and that reality becomes available to us through language (Winter-Jørgensen & Phillips, 2000, p. 15). Further, the way we speak about something has implications on how we experience the phenomena in question. Consequently the dominating way of referring to something appears as the most natural, thereby discourse can be seen as guiding both individual and collective

action (Winter-Jørgensen & Phillips, 2000, pp. 32 & 12). I do not see frame analysis and discourse analysis as two incompatible methodological approaches, and I believe that they, to some extent, aim to disclose similar notions and deliver the same type of insights. There are two principal reasons for me choosing frame analysis, firstly it gives me insight into how the types of policies are supported by notions of theories on multiculturalism. Secondly it allows me to, with Donald A. Schön and Martin Rein's methodological strategy, compare notions that the types of policies rely on.

Schön and Rein mean that frames, in a political context, are underlying assumptions that lead us to perceive certain policies as right or wrong (Schön & Rein, 1994, p. 21). Frames are described as people's way of making sense of a complex reality, which in turn requires an operation of selecting and organising our experiences (Schön & Rein, 1994, p. 30). *Policy controversies* are seen as conflicts between actors who hold competing frames as true. Actors involved in a *policy controversy* are in contention with one another, due to that the frames they hold as true, represent mutually incompatible ways of seeing the policy at hand (Schön & Rein, 1994, pp. 21-26).

In order to reconstruct underlying frames in a political material, one must look to examine speeches, laws, regulations and other types of official documents that treat the policy at hand (Schön & Rein, 1994, p. 33). Thereafter, a researcher sets out to identify the *story* conveyed in the empirical data. A *story* consists of the parts of a policy perceived as problematic, the elements that are recognised as unproblematic and the proposed solutions to the problems (Schön & Rein, 1994, p. 24). Further, *stories* are centered around certain central elements, which Schön and Rein call *things*. Namely, different features and relations that stand at the center of the *story*, or simply "[...] *what the story is about.*" (Schön & Rein, 1994, p. 26). Thereafter, by featuring the *stories* and *things* one discovers, the frame that supports the policy at hand can be reconstructed. When seeking to understand if a *policy controversy* can explain why policies are incompatible, a researcher applies these analytical tools separately, on different policies, and thereafter compares the *story*, the *things* and the frame conveyed in the political material (Schön & Rein, 1994, p. 26).

## 3.2 Research Design

In this thesis I have chosen a set of frame analytical tools, first presented by Schön and Rein, to answer the research question. I will treat the types of Sami policies, promoting different ends, separately, as though they were an example of what Schön and Rein call a *policy controversy*. The reason for this is, that I consider it a resourceful method for discovering whether the policy-types are supported by distinct frames, or if they are sponsored by similar notions. The data will be analysed on five levels, in two separate chapters. The first three levels in chapter four, and the other two in the fifth chapter. Firstly, the underlying *stories* will be identified in the material by asking a set of questions: which elements are presented as problematic? Which elements are perceived as unproblematic? What are the proposed solutions to the problems? By doing this, I will be able to determine how the policy-types define issues, how these notions relate to theories on multiculturalism, and see whether they apply similar perspectives or if they represent opposing views.

Secondly, *things* will be pinpointed in the material. This will be done by determining areas of focus and other elements that the *stories* are centered around. For example, this could be focusing on the Sami as an indigenous people, or as a national minority. Through establishing *things* in the *story*, I will be allowed to see whether the documents feature similar central concepts, or if they are focused around contending principles. Thirdly, I will reconstruct the frames that support the two types of Sami policies. Fourthly, in the thesis fifth chapter, these notions are compared with each other and analysed from theories on multicultural society. Fifthly, by using the information acquired on previous levels, I will answer the research question.

By systematically applying Schön and Rein's strategy to the data, I wish to identify how central assumptions are framed, and deliver reliable insight into how contemporary Swedish Sami policy is made legitimate. Furthermore, in order to answer my research question, I wish to determine whether the two lines of contemporary Sami policy represent mutually

incompatible ways of perceiving Sami policy, and if this can explain why they promote disparate ends.

### 3.2.1 Data

The first type of Sami policy concerns matters where the Sami have been recognised as having, and later being granted certain rights. A number of official documents, three government bills (prop. 1998/99:143 - prop. 2009/10:80 - prop. 2017/18:199), two government inquiries (SOU 2008:125 - SOU 2017:60) and one report from the Parliamentary Committee on the Constitution (bet. 1999/2000:KU6), are included in the analysis. The second type of Sami policy is represented by five official documents considering a ratification of the ILO convention No. 169. More specifically, two government inquiries (SOU 1999:25 - SOU 2006:14), two reports from the Parliamentary Committee on the Constitution (bet. 2014/15:KU16 - bet. 2017/18:KU6 ) and one written communication from the Government to the Riksdag (rs. 2001/02:83).

The assortment of data consists of texts authored by different actors, with separate aims. Government inquiries are commissioned by the Swedish Government with certain guidelines, when the commissioners have reached their conclusions, a report is presented to the Government (The Riksdag). Written communications declare the Government's policies to the Riksdag (Government Offices of Sweden) and reports from the Parliamentary Committees contain the Riksdag representatives' view on a certain matter. Notwithstanding these circumstances, I do not believe they will prevent me from pursuing the aim of the thesis. According to Schön & Rein *policy discourse* is the dialogue, between any type of actor, surrounding a policy issue. This communication can take place in various spaces, from everywhere between parliamentary debates to discussions between friends, called *policy forums* (Schön & Rein, 1994, pp. 31-32). Frames are consequently enforced by a variety of actors, in a variety of spaces. In addition to this, the actors behind the policy documents represent Sweden's supreme political level and therefore, they express the dominant perceptions of what distinguishes appropriate Sami policy.

## 4. Empirical Analysis

The following chapter features the thesis' empirical analysis. The two types of policies are treated separately, according to Schön and Rein's methodological strategy. In each part the results are presented in four sections: firstly the data is introduced, secondly the *story* conveyed in the data is identified, thirdly the *things* are presented and lastly the frames that support the two policy-types are reconstructed. This chapter shows that the two types of Sami policy are supported by frames that rely on partially similar, and partially different notions.

### 4.1 Policy Documents Advocating Strengthened Sami Rights

Six official documents from between the years 1998 and 2017, recommending strengthened Sami rights, are included in the forthcoming analysis. Firstly, the proposition *Nationella minoriteterna i Sverige* (1998/99:143), suggesting which measures were needed to enable a ratification of the Council of Europe's Frame Convention for the Protection of Minority Rights (FCNM) and the European Charter for Regional or Minority Languages (ECRML). Secondly, the report (bet. 1999/2000:KU6) from the Committee on the Constitution, recommending an accession to the FCNM and the ECRML. Thirdly, the government inquiry *En reformerad grundlag* (SOU 2008:125), conducting a review of the Constitution and proposing a number of changes to it. Among other things, the inquiry suggested to mention the Sami as an indigenous people in the Constitution. Fourthly, the subsequent bill *En reformerad grundlag* (prop. 2009/10:80) is analysed. Fifthly, the government inquiry *Nästa steg?* (SOU 2017:60) which purpose was to propose measures that could strengthen the Swedish Government's minority and indigenous policies. Lastly, the government bill *En stärkt minoritetspolitik* (prop. 2017/18:199), suggesting strengthened Sami and minority rights through changes in the act on Minorities and Minority Languages (SFS 2009:724), the Social Services act (SFS 2001:453) and the Education act (SFS 2010:800), is examined.



### 4.1.1 Story

A problem repeatedly conveyed as problematic, regards critique against inadequacies in Swedish Sami and minority policy (SOU 2017:60, p. 238 - bet. 1999/2000:KU6 - prop. 2009/10:80, p. 189). For instance:

Overall, the follow-up shows a number of shortcomings concerning the rights of national minorities and current legislation, both at municipal and state level, and that these shortcomings impede the implementation of minority policies.<sup>1</sup> (prop. 2017/18:199, p. 20)

And in the 2017 government inquiry:

Sweden has received recurring criticism from, among others, the Council of Europe for shortcomings as to how, and to what extent, the national minorities are produced in educational materials<sup>2</sup> (SOU 2017:60, p. 238)

Furthermore, contemporary Swedish Sami policy is perceived as problematic. As for instance in the 1999 bill: *“Measures are also required to protect the languages and culture of the national minorities, as a part of Swedish cultural heritage.”*<sup>3</sup> (prop. 1999/2000:143, pp. 11 & 16-17). Comparisons are often drawn between Swedish Sami policy and those in Finland and Norway, in order to account for how Swedish policy should proceed (SOU 2008:125, p. 457 - SOU 2017:60, pp. 160, 193 & 338). For example, the 2009 government proposition problematises the fact that Swedish Sami population has an inferior constitutional status than those in Finland and Norway (prop. 2009/10:80, p. 189). The problems mentioned above, are

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<sup>1</sup> Sammantaget visar uppföljningen på ett antal brister i efterlevnaden av de nationella minoriteternas rättigheter och den aktuella lagstiftningen, såväl på kommunal som på statlig nivå, och att dessa brister leder till att minoritetspolitikens genomförande hämmas. [My translation]

<sup>2</sup> Sverige har fått återkommande kritik från bland annat Europarådet för brister när det gäller hur och i vilken omfattning de nationella minoriteterna framställs i läromedel. [My translation]

<sup>3</sup> Det behövs också åtgärder för att värna om de nationella minoriteternas språk och kultur som en del av vårt kulturarv. [My translation]

met with legislative solutions. For instance, in the 1999 proposition a ratification of the Council of Europe's Frame Convention for the Protection of Minority Rights (FCNM) and the European Charter for Regional or Minority Languages (ECRML) is deemed appropriate, in the 2009 proposition it is perceived as suitable to explicitly mention the Samis as an indigenous people in the constitution and in the 2017 proposition a solution to the problems at hand is seen as making changes to the Minorities and Minority Languages (SFS 2009:724), Social Services (SFS 2001:453) and Education (SFS 2010:800) acts.

To a certain degree, Sweden's historical conduct is perceived as problematic. The Sami are described as being: "[...] *gradually driven further north as a result of an active colonisation and settlement from Swedish side.*"<sup>4</sup> (SOU 2017:60, p. 49). Recurring in the Committee on the Constitutions 1999 report:

Long before nation-states were formed in the Nordic countries, the Samis and other peoples lived in the area. These groups eventually became minorities in the states they were incorporated in. The contact with the rest of society led the minorities to some extent to renounce their culture, religion and their own language.<sup>5</sup> (bet. 1999/2000:KU6)

Land conflicts in the reindeer grazing area are perceived as being caused by: "[...] *majority society's use of traditional Sami land ...*"<sup>6</sup> (ibid.), therefore the land conflicts seen in Sápmi today, are deemed problematic. These problems are met by referring to Sweden's recent commitment to forwarding Sami and other minority rights. For instance: "*Sweden has a long tradition of protecting human rights and taking measures against discrimination*"<sup>7</sup> (prop. 1998/99:143, p. 28-29) and:

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<sup>4</sup> [...] trängdes successivt tillbaka längre norrut som en följd av en aktiv kolonisering och bosättning från svensk sida. [My translation]

<sup>5</sup> Långt innan det i Norden bildades nationalstater bodde det samer och andra folkslag i området. Dessa grupper kom så småningom att utgöra minoriteter i de stater som de inlemmades i. Kontakten med det övriga samhället medförde att minoriteterna i viss utsträckning fått göra avkall på sin kultur, religion och det egna språket. [My translation]

<sup>6</sup> [...] majoritetssamhällets nyttjande av traditionella samiska marker [...]. [My translation]

<sup>7</sup> Sverige har en lång tradition när det gäller att värna om mänskliga rättigheter och åtgärder mot diskriminering. [My translation]

Sweden has since long been cooperating with other Nordic countries regarding Sami matters. [...] Since 1995 a cooperation between Sweden, Finland and Norway has been underway working towards a proposal for a Nordic Sami Convention.<sup>8</sup> (bet. 1999/2000:KU6)

In the 2009 bill, the Government presents itself as committed to favouring Sami rights since 1977, when the Riksdag determined that they were an indigenous people (prop. 2009/10:80, p. 189). A view that the Riksdag has:

[...] affirmed on several occasions, including in connection with the ratification of the Council of Europe's Framework Convention on the Protection of National Minorities and the ratification of the European Charter of Rural or Minority Languages.<sup>9</sup> (ibid.)

This notion is confirmed in several other texts (SOU 2017:60, p. 45), as for instance in the 2008 government inquiry where it is stated that Sweden voted for the UN Declaration on the Rights of Indigenous Peoples, thereby Sweden is conveyed as actively contributing to Sami culture, language and institutions (SOU 2008:125, p. 455).

Hence, the *story* conveyed in the data is one about Sweden wanting to strengthen Sami rights, which has been affirmed on several occasions. Therefore, it is deemed problematic that the Sami and other international organisations criticise the policy. In addition to this, a colonial past is somewhat problematised. These problematisations are met with notions concerning that many of these problems have been solved with an active Sami policy, indicating that whatever challenges Swedish Sami policy stand before today, these will be met with solutions.

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<sup>8</sup> Sverige har också sedan länge ett samarbete med övriga nordiska länder när det gäller samefrågor. [...] Sedan år 1995 pågår ett samarbete mellan Sverige, Finland och Norge med att ta fram ett förslag till en nordisk samekonvention. [My translation]

<sup>9</sup> [...] bekräftat vid ett flertal tillfällen, bl.a. i samband med riksdagens godkännande av ratificeringen av Europarådets ramkonvention om skydd för nationella minoriteter och ratificeringen av den europeiska stadgan om landsdels- eller minoritetsspråk. [My translation]

## 4.1.2 Things

A *thing* that the *story* centers around, concerns the Sami as distinct from the other national minorities. As the 2008 government inquiry declares: “*Among the national minorities, the Sami assume a special position, especially as they are also recognised as an indigenous people.*”<sup>10</sup> (SOU 2008:125, p. 457). Further, in the subsequent proposition, the Government considered the Sami to have an exceptional status among the national minorities (prop. 2009/10:80, p. 190. See also: 1998/99:143, p. 21 - bet. 1999/2000:KU6 - prop. 2017/18:199, p. 29). Also, the Government, sees its identification of Samis as a national minority as problematic, due to that Sami representatives wish to be exclusively be referred to as an indigenous people: “*Self-identification and the right to self-empowerment are key elements of minority policy, and the Government is of the opinion that it is necessary to address this issue in the future [...]*”<sup>11</sup> (prop. 2017/18:199, pp. 29-30).

The second *thing* in the *story* is the notion concerning Sweden, as an active long-time contributor to Sami rights. On several occasions, this is referred to as being in line with Swedish Human rights policy at large (prop. 1998/99, p. 29 - prop. 2017/18:1999, p. 78 - Prop. 2009/19:80, p. 189). The goal with a coherent minority and Sami policy, is described as a means to strengthen Swedish democracy (prop. 2017/18:199, p. 16). The right to be different and the right for minorities to develop their particular cultures and languages, is presented as something to strive towards in order to “[...] *achieve a sense of community in a society where diversity is encouraged.*”<sup>12</sup> (bet. 1999/2000:KU6).

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<sup>10</sup> Bland de nationella minoriteterna intar samerna en särställning, särskilt som de också erkänns som ett urfolk. [My translation]

<sup>11</sup> Självidentifikation och rätten till egenmakt är centrala delar av minoritetspolitiken och regeringen är av meningen att det är nödvändigt att i framtiden ta omhand denna fråga. [My translation]

<sup>12</sup> [...] uppnå en känsla av gemenskap i ett samhälle där mångfalden samtidigt bejakas. [My translation]

### 4.1.3 Frame

The frame, supporting policy documents advocating strengthened Sami rights, problematises critique from international organisations and other actors who deem Sami policies inadequate. These criticisms are met by problematising contemporary Sami policies. Furthermore, the frame is supported by notions that problematise Sweden's historical conduct. These problems are met by conveying that Swedish Sami policy has secured Sami rights in several instances, therefore implying that Sweden will continue to advocate Sami rights. These observations convey contemporary Swedish Sami policy as being problem-ridden, however, these problems are met with concrete legislative solutions, seeking to strengthen Sami rights.

The frame supporting this type of Sami policy relies on a *thing*, concerning the Sami as distinct from other minorities, due to their status as an indigenous people. Furthermore, the fact that Sami representatives denounce that they should be regarded as a national minority is perceived as highly problematic, pressing the importance of minority groups' right to self-identification. The frame further relies on a *thing* concerning Sweden as an active contributor to Sami rights, which in turn contends the notions that problematise Sweden's historical and contemporary Sami policies. The aim with an active Sami policy is defined as being to strengthen Swedish democracy.

## 4.2 Policy Documents Considering a Ratification of ILO 169

Five policy documents, considering a ratification of ILO 169, are included in the following analysis. The first one is the government inquiry *Samerna - ett ursprungsfolk i Sverige* (SOU 1999:25). Its purpose was to clarify whether a Swedish ratification of the ILO convention No. 169 was possible, and which measures would be required to enable a concession (SOU 1999:25, p. 13). The second document is a written communication from the Government to the Riksdag, *En nationell handlingsplan för de mänskliga rättigheterna* (rs. 2001/02:83), in which the Government laid forward a coherent strategy for how they intended to work with

human rights during the forthcoming years (Rs. 2001/02:83, pp. 1-2). Among other things they present the Government's view on how the process toward a ratification of ILO 169 should proceed (Rs. 2001/02:83, p. 23). The third document is a government inquiry named *Samernas sedvanemarker* (SOU 2006:14). The intention behind *Samernas sedvanemarker*, was to address the problems regarding a demarcation of the reindeer grazing area, that were lifted in the 1999 inquiry. The fourth document is a report, named *Minoritetsfrågor* (bet. 2014/15:Ku16), from the Parliamentary Committee on the Constitution about how the Swedish national minorities are treated. The report addressed a motion presented by Vänsterpartiet appealing that the Government should initiate a ratification of ILO 169 (bet. 2014/15:Ku16, p. 1). The fifth and final document included in the analysis, is another report from the Committee on the Constitution entitled *En strategi för arbetet med mänskliga rättigheter i Sverige* (bet. 2017/18:KU6). Among several other topics, the report considers a Swedish ratification of the ILO convention No. 169, and whether the Committee should propose a concession to the Riksdag.

#### 4.2.1 Story

The obstacle perceived as standing in the way of a Swedish ratification of ILO 169, concerns the Sami's right to land (SOU 1999:25, p. 19). For instance the 1999 government inquiry states that: "*The big stumbling block regards rules regulating the Sami's right to land.*"<sup>13</sup> (SOU 1999:25, p. 15). Reoccurring in the 2006 government inquiry, the main obstacle hindering a Swedish concession to ILO 169 is described as being "[...] *the indigenous peoples' right to land.*" (SOU 2006:14, p. 48). Further expressed in the texts' overall focus on the conventions article 14, in which indigenous and tribal peoples' rights to land are regulated (SOU 1999:25, p. 119 - SOU 2006:14, pp. 431 & 438 - rs. 2001/02:83, p. 23 etc.). Also, the amount of land that would be affected by implementing ILO 169 is repeatedly emphasised as problematic (SOU 1999:25, p. 54):

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<sup>13</sup> Den stora stöttestenen är reglerna om samernas rättigheter till mark. [My translation]

[...] a concession to the convention would imply that different rights to an area equivalent to one third of Sweden's surface area is affected, and a decision on such a matter cannot be hastened.<sup>14</sup> (bet. 2014/15:KU16, p. 18)

Notions of this sort assert the Sami's right to land as a problem, prohibiting a Swedish concession to ILO 169. One of the suggested solutions, is regarding an official delimitation of the reindeer grazing area (See rs. 2001/02:83, p. 23 - SOU 2006:14, p. 33). Another solution, is to not concede the convention until the judicial prerequisites are defined and solved (bet. 2014/15:KU16, p. 24 - bet. 2017/18:KU6, p. 32 - SOU 1999:25, pp. 25-29).

It is frequently regarded as problematic that human rights organisations are voicing concern over the Swedish Government's passivity regarding a concession to ILO 169 (bet. 2017/18:KU6, p. 31 - bet. 2014/15:KU16, p. 19). It is further conveyed as problematic that motions raised by parties in the Riksdag emphasise the urgency of a ratification (bet. 2017/18:KU6, p. 32). Criticisms of this kind are met with different solutions and means. For instance, the Committee on the Constitution means that the critique is partly misdirected when expressing: *"In order to strengthen Sami rights, the Government is working towards ratification, even though it ultimately is a matter for the Riksdag."*<sup>15</sup> (bet. 2017/18:KU6, p. 31). This quote also speaks of a second mean with which this criticism is met. Apparent in several of the documents is the notion that Sweden is doing enough to cater for Sami rights, therefore an accession can be pushed to the future. As for example in the 2017 committee report, which focuses foremostly on the Swedish Government's dedication to strengthening Sami rights:

The Government safeguards a Sami way of life with confidence in the future. The exceptional status of the Sami as an indigenous people shall be respected, and their rights secured.<sup>16</sup> (bet. 2017/18:KU6, p. 31)

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<sup>14</sup> [...] en anslutning till konventionen medför att olika rättigheter påverkas med avseende på ett markområde som motsvarar en tredjedel av Sveriges yta och att ett beslut i en fråga av en sådan betydelse inte kan hastas fram. [My translation]

<sup>15</sup> I syfte att stärka samernas rättigheter arbetar regeringen i riktning mot en ratifikation, som dock ytterst är en fråga för riksdagen. [My translation]

<sup>16</sup> Regeringen värnar ett samiskt samhällsliv med framtidstro. Den särskilda ställning som det samiska folket har som Sveriges urfolk ska respekteras och efterlevnaden av deras rättigheter ska säkerställas. [My translation]

Further, the report mentions that strengthening Sami rights has been matter of consideration in 2017's and 2018's budget propositions and that the Government has taken measures, to counter the judicial problems that stand in the way of a Swedish ratification (bet. 2017/18:KU6, p. 31). By referring to measures like these, several of the documents argue against a Swedish concession (See Rs. 2001/02:83, p. 23 - SOU 1999:25, pp. 25-29). By drawing awareness towards solutions of this kind, the Swedish Government is portrayed as doing plenty to cater for Sami rights. As an effect, the question of ILO 169 is conveyed as neither being a pressing, nor necessary, matter, unproblematising the urgency that the critics convey.

Contesting these notions, that Sweden is fulfilling the demands for Sami rights, are statements made in the government inquiries. The 2006 inquiry conveys current legislation as the source of conflicts between private landowners and reindeer-breeding Samis, and that the responsibility for an adequate legislation lies with the State (SOU 2006:14, p. 50). Thus, notions concerning the Swedish Government as conducting an adequate Sami policy, are challenged. The 1999 inquiry explains land conflicts in northern Sweden between the Sami and other landowners as an effect of a state-driven colonisation: *"During the 18th century, a state-driven colonisation of Sami land was initiated, encouraging settlers to cultivate land in appropriate areas."*<sup>17</sup> (SOU 1999:25, p. 54). Regardless this acknowledgement, the commissioner states that no one can be held responsible for the conflicts witnessed today:

It is important to point out that the conflicts of interest that have arisen between Sami and, in particular, landowners, are the result of a series of circumstances that nobody can be held responsible for.<sup>18</sup> (SOU 1999:25, p. 15)

Land conflicts are regarded as being an implication of a process of colonisation, but that no one can be wholly blamed for the competition for land seen today, unproblematising a

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<sup>17</sup> Under 1700-talet utvecklades en medveten strävan från statsmakternas sida att kolonisera lappmarkerna genom att uppmuntra nybyggare att bedriva jordbruk på lämpliga områden. [My translation]

<sup>18</sup> Det är viktigt att poängtera att de intressekollisioner som uppstått mellan samer och framför allt markägare är följden av en rad omständigheter som ingen kan lastas för. [My translation]



colonial past. An area that is described as fairly unproblematic involves the conflicts witnessed today between reindeer-breeding Samis and private landowners, or other actors who have an interest in the land. Although the inquiry indicates that the “...*consideration of the Samis has often been outweighed by the stronger interest of supporting the development of other industry.*” (SOU 2006:14, p. 35), it is also deemed important to accentuate that the relationship between reindeer-breeding Sami and others with interest in the land should not solely be viewed in a conflict perspective, due to that the relationship in many cases has involved fruitful cooperation (ibid.).

The *story* conveyed in the documents is identified as follows: It concerns Sweden, as a long-time contributor to minority, human and indigenous rights. However, the Samis’ rights to land, stand in the way of a concession to the ILO convention No. 169. The solutions to this problem is proposed as officially delimiting the reindeer grazing area and to await a ratification until the legislative concerns have been addressed, pushing the solutions forward to some time in the future. Although, somewhat admitting to Sweden’s colonial past, and pressing that the State is responsible for remedying the unclear legislative conditions at hand, the documents disclose rather ambiguous perceptions of Sweden’s responsibility to solve the conflicts witnessed today. Furthermore, the *story* features problematisations regarding the amount of land that would be affected by a ratification, therefore placing economical interests, against those of the reindeer breeding Sami.

#### 4.2.2 Things

Two *things* are identified in the *story*. Firstly, the Samis are almost consistently referred to as an indigenous people with distinct rights in relation to the other Swedish national minorities (bet. 2014/15:KU16, p. 22 - SOU 2006:14, p. 71 - rs. 2001/02:83, pp. 91 & 94). For instance: “*Since 1999, the Sami have been recognised as a national minority and since 2011 the exclusive status of the Sami, as an indigenous people, is recognised in the Constitution.*”<sup>19</sup>

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<sup>19</sup> Samerna är sedan 1999 erkända som en nationell minoritet och sedan 2011 erkänns samernas särskilda ställning som urfolk i Sverige i grundlagen. [My translation]

(bet. 2017/18:KU6, p. 31). Despite this being the main line of how Samihood is perceived, other conceptions are also expressed. As an example one can see the inquiry *Samerna - ett ursprungsfolk i Sverige*, in which the commissioner focuses, almost exclusively, on the rights of the reindeer breeding Sami (SOU 1999:25, p. 24). These rights involve the right to hunt, fish and conduct forestry in the reindeer grazing area and can only be exercised by Samis involved with reindeer husbandry (rs. 2001/02:83, p. 94). The same presumption is made in the 2006 inquiry, which the two Sami representatives involved in the inquiry criticise:

The purpose of ILO 169 is to protect indigenous peoples' rights. Therefore, we do not consider the inquiry's narrow interpretation of areas traditionally used by the Sami as correct. [...] The land use of other Samis, than those keeping reindeer, must be taken into consideration.<sup>20</sup> (SOU 2006:14 p. 518)

In the written communication from 2001 the Sami are exclusively referred to as an indigenous people (rs. 2001/02:83, pp. 91 & 94). Despite statements of this sort, indigenous rights are also described as :*“Indigenous people can, in most circumstances, be regarded as a minority with the rights that entail that status.”*<sup>21</sup> (rs. 2001/02:83, p. 91). Meaning that minority and indigenous rights are in many ways comparable. Something similar occurs in the Committee on the Constitutions report from 2017 when referring to the Government's overall dedication to minority rights, as a reason for not ratifying ILO 169 (bet. 2017/18:KU6, pp. 31-32). By equating Sami rights with those of other minorities, focus is drawn from the matter at hand. ILO 169 is a convention that only the Sami, or more precisely the reindeer breeding Sami, population would benefit from. Also, the Sami population is often mentioned as a whole, when only the rights of the reindeer breeding Sami are intended.

The second *thing* identified in the data concerns Sweden's long-time dedication to Sami and minority rights. For instance, Sweden is characterised as having ratified the principal

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<sup>20</sup> Avsikten med ILO:s konvention 169 är att skydda urfolks rättigheter. Vi anser därför inte att utredningens snäva tolkning av vilka områden som traditionellt innehas kan vara riktig. [...] Samernas övriga markanvändning måste beaktas i större omfattning. [My translation]

<sup>21</sup> Ett ursprungsfolk är i de flesta sammanhang också att betrakta som en minoritet med de rättigheter som följer med det. [My translation]

conventions that safeguard human rights (rs. 2001/02:83, p. 23). Moreover, the 1999 inquiry states that:

The Government has expressed a desire to be able to ratify the Convention, which is a matter of some importance for the indigenous people. Sweden has a long tradition of commitment to weak, disadvantaged groups and has acceded to all the key conventions which seek to protect minority groups, etc. (SOU 1999:25, p. 29)

Also, ILO 169 is described one of the five most important conventions that protect minority and indigenous rights (rs. 2001/02:83, p. 92).

### 4.2.3 Frame

The frame, that sponsors policy documents considering a ratification of ILO 169, places the Sami's right to land as an obstacle hindering a Swedish concession. The solutions to this problem regard, either an official delimitation of the reindeer grazing area, or to await a ratification until the legislative concerns are addressed. It is further conveyed that it is the State's responsibility to adapt the current legislation to enable a ratification. The frame further relies on problematisations concerning criticisms from both international organisations, and Swedish political parties. The criticisms are met by referrals to the Swedish Government's long-time dedication to Sami and other minority rights. The current land conflicts, between the Sami and private landowners, are partly described as an effect of a state-driven colonisation. However, these notions are challenged by several references denying the State's responsibility, when meaning that no one can be held responsible for land conflicts witnessed today.

In addition to these observations, the frame supporting this type of Sami policy tends to, either equate the rights of the Sami with those of the other national minorities, or refer to the Sami as a group with distinct rights as an indigenous people. Also, the Sami population is often mentioned as a whole, when only the rights of the reindeer breeding Sami are intended. These observations witness conflicting perspectives being applied, when referring to what

Sami rights are, and whom they concern. Lastly, the frame relies on a perception of Sweden as a country with a tradition of securing human rights, a perception that is challenged by criticisms from international organisations.

### 4.3 Summary

In conclusion, this chapter has shown that the two types of Sami policy are supported by frames that rely on partially similar, and partially different notions. For instance, the two policy types that promote different outcomes, feature similar *things*, regarding Sweden as a long-time dedicator to Sami rights. Furthermore, both *stories* focus on *things* that deem the Samis' rights as an indigenous people imperative. However, the documents considering ILO 169, expresses a somewhat more confusing approach to what Sami rights are, and whom they concern. Also, the *stories* conveyed in the data problematise different areas, as for instance, the documents considering a ratification of ILO 169 problematise Sami rights, whereas the documents advocating strengthened Sami rights problematise, to a greater extent, Swedish Sami policies. Nonetheless, it is yet to be discovered whether these differences represent mutually incompatible notions of multiculturalism, and if this can explain why the types of Sami policies promote different outcomes.

## 5. Theoretical Analysis & Conclusions

The following chapter features four sections. In the first part, the *stories* that support the two types of Swedish Sami policies are compared, and interpreted from the theoretical framework introduced in chapter two. Secondly, parallels are drawn between the *things* featured in the two types of policy documents, and thereafter these notions are analysed from theories on multiculturalism. In the third part, the research question is answered, by determining whether the frames, that support the two types of documents, rely on mutually incompatible notions of multiculturalism. Lastly, the conclusions are discussed, primarily focused on concretising the challenges that are inhibiting a Swedish ratification of the ILO convention No. 169.

### 5.1 Somewhat Similar Stories

The *stories* conveyed in both types of Sami policy, express an overall rhetoric praising cultural diversity, and therefore seem to have a positive approach to multicultural society. The policy documents that advocate Sami rights goes so far as meaning that strengthened rights for the Samis, would strengthen democracy in Sweden, meaning that it is possible to attain a society that acknowledges diversity, without jeopardising the affinity of society at large. Thus, issues concerning a discrepancy, between multicultural society and the democratic principles of equality and majority rule, are eliminated (Lantto & Mörkenstam, 2008, p. 27). The *stories* that are conveyed in both types of policy documents, moreover rely on deeming criticisms raised against Sami policies problematic. Young argues that active minority policies can be a means to challenge institutional obstacles that place people unequally in processes of power (Young, 2000, pp. 86-87). Therefore, the *stories'* problematisations of Sami policies, can be seen as though they are willing to change policies that create injustices for the Sami.

An opposing notion, that individual and collective rights cannot be consolidated, is expressed in policy documents considering a ratification of ILO 169. Due to problematisations of land conflicts witnessed in the reindeer grazing area, the *story* conveys that the reinforced legal standing of reindeer herding, which a concession to the convention would entail, cannot be discussed detached from the interests of other users of land. Leading to that the Sami's interests are equated with those of other actors, which connotes to Parekh's description of the modern state as deeming differences between citizens politically irrelevant (Parekh, 2000, pp. 182-183). Furthermore, by taking other interests than the Samis into consideration, the perspective is displaced from being an issue of indigenous rights, to become a struggle between interests. Thus, it becomes Sweden's obligation, as a modern liberal state, to adjust the relationship between citizens and strike a balance between their conflicting interests (ibid.). Through equalising Sami demands with those of other landowners, the Swedish State seemingly becomes an example of a democratic state functioning as an instrument of oppression, for the Sami as a minority group (Parekh, 2000, p. 185).

Holding the policy-types apart, are the *stories* concerning how they meet critique regarding inadequacies in Sami policy. The policy documents in favour of strengthening Sami rights, meet the criticisms with concrete legislative solutions. Whereas, policy documents considering ILO 169, do not present solutions, but rather meet problems by emphasising current Sami policy, as satisfactory. I believe that a reason for these discrepancies can be found in problematisations of the amount of land affected by a ratification ILO 169. The *story* in the other policy type, promoting Sami rights, does not problematise economical factors. Therefore it seems, as though a difference between the policy-types, is that implementing them, would demand different amounts of resources. Furthermore, these notions express what Kymlicka means when saying that the state has a national dimension which entails that advantages are given to the majority of larger society (Kymlicka, 2000, pp. 193-195). As a democracy, Sweden has an obligation to realise the general will, that is, to facilitate the majorities interests before those of a minority (Dahl, 1999, pp. 180-181). The problematisations regarding the amount of land that would be affected by a ratification of ILO 169, can therefore be understood as though it would entail the Swedish State to serve a minority's interests, before those of the majority. Ratifying ILO 169 would require the

Swedish Government to deny the majority of Swedish citizens the economic benefits, that land exploitations in the reindeer grazing area could generate.

## 5.2 Mutual & Opposing Things

The policy types apply similar *things* involving praise for Sweden, as a longtime contributor to minority and indigenous rights. Contesting these *things*, that Sweden is fulfilling its duties towards the Sami population, are the problematisations regarding the colonisation of Sápmi, assumptions declaring that it is the State's responsibility to remediate the problems that have arisen thereof, and references to current policies being inadequate. Thus, in both frames conflicting notions are expressed concerning the adequacy of contemporary, as well as historical, Swedish Sami policy. Young argues that liberal democracies have a tendency to disadvantage minorities through legislation and institutions, and that states should focus on society as differentiated through structural relations of privilege and disadvantage (Young, 2000, p. 109). Therefore, the mutual praise for Sweden as a longtime contributor to Sami rights, can be seen as expressing an ignorance for how the relationship between the Sami and the State is really arranged. Also, the policy documents hereby challenge Parekh's idea that modern-states exhibit an unambiguous identity (Parekh, 2000, p. 183). Leading one to wonder: Is Sweden a defender of indigenous rights, or a colonial oppressor?

The two types of Sami policies are also supported by similar ways of referring to Sami rights. These notions occur as *things*, and deem the Sami's status as an indigenous people imperative, thus, emphasising the importance of group specific rights. Several theorists mean that group customary rights are a means with which the injustices experienced by minority groups can be challenged (Young, 2000, pp. 86-87 - Kymlicka, 1995, pp. 47-48 - Parekh, 2000, p. 213). Accordingly, both types of policy documents allude to these ideas, and seem to be positive towards designing Sami policies that promote Sami interests. Despite this observation, the policy documents considering the ILO convention also refer to Sami rights as being equal to those of other national minorities. Kymlicka means, that specific rights can be motivated within liberal jurisprudence if they promote equality between groups

(Kymlicka, 2000, pp. 193-195). Therefore it can be seen as though Sweden, through equating Sami rights with those of other national minorities, is promoting equality between the national minorities, as well as sponsoring equal opportunity for the minorities in larger society.

Also, the policy documents considering a ratification of ILO 169, refer to the Sami's reindeer herding rights as being of concern to the whole Sami population, when they in fact only can be exercised by Samis who keep reindeer. Mörkenstam shows that a consequence of this has been conflicts within the Sami community. Traditionally, Sami culture and identity is differentiated, and Sweden's characterisation of an official Sami identity as reindeer herders, was originally a means with which the Swedish Government legitimised segregationist policies (Mörkenstam, 1999, pp. 262-263). Kymlicka states that customary rights should seek to advance equality and liberty within in groups (Kymlicka, 2000, pp. 193-195) and through this perspective, the Sami's special reindeer breeding rights can be seen as giving liberty to some Samis, and creating injustice for those who recognise alternative Sami identities. Moreover, this serves an example of what Charles Taylor means in *The Politics of Recognition*. When the Swedish State fails recognise Sami identity as differentiated, the policies are failing to recognise Sami identity as they themselves define it. Therefore they are causing real harm to the Sami community (Taylor, 1994, pp. 25-26). A true politics of recognition would require the Swedish State to design policies that correspond with how the Sami define their identity, and not from a sole focus on reindeer breeding Samis.

Furthermore, the frames are supported by separate *things*, in the way that they define Sami identity and, which rights entail this identity. On the one hand, the documents aiming to strengthen Sami rights problematise that the Samis are classified as a national minority and emphasise the importance of self-identification. On the other hand, the frame considering a ratification of ILO 169, foremostly refer to customary Sami rights as reindeer herding rights. The two types of policy documents here demonstrate conflicting perspectives of Young's relational concept of autonomy. Her concept deems that collectives have the capacity to choose and support their ends, furthermore she means that no collective identity can be defined from a given essence (Young, 2000, p. 231). The frame supporting Sami rights problematises the State's definition of the Samis as a national minority, despite objections



from Sami representatives, therefore it alludes to Young's concept. However, the policy documents considering ILO 169, define the Sami population's official identity as reindeer herders, despite objections from Sami representatives. Implying that the official Sami identity is defined from a 'nomadic reindeer herding-essence'. These customary reindeer breeding rights, be traced back to appreciations of the Sami as a racially inferior group who had not been able to reach a point of civilisation where equal rights could be established (Päiviö, 2011, pp. 250–251), therefore, the Sami needed to be protected from civilisation (Persson - Harnesk - Islar, 2017, p. 22).

### 5.3 The Frames that Support the Different Outcomes of Swedish Sami Policies

The frames that support the different outcomes of Sami policies express a similar praise of multicultural society and, further problematise the criticisms regarding inadequacies in Sami policies. Nonetheless, the frame that sponsors Sami policies considering a ratification of ILO 169, also exhibits conflicting notions. In several instances, problematisations can be connected to a discrepancy between individual and collective rights, and problems regarding Sweden's obligation to cater for the interests of the majority, before those of the Sami. I consider that, even though the policy types here convey somewhat distinct notions of multiculturalism, that the differences are not enough to conclude that they represent conflicting perspectives. It rather seems that the policy documents considering ILO 169, express an internal ambiguity.

Furthermore, the *stories* conveyed in the two types of policies problematise separate notions. The reason for that the two policy types define issues separately, can be described by the fact that the policies aim to remedy different problems in Swedish Sami Policy. Therefore, I do not consider that the *stories* distinct problematisations can be seen as though they exhibit mutually incompatible ways of seeing notions of multiculturalism, but that they simply have different aims. However, there is one problematisation that I think can explain a fundamental difference between the two types of policy, namely economical factors. In conclusion, the *stories* conveyed in the two types of Swedish Sami policy do not exhibit mutually

incompatible notions of multiculturalism, rather, the *stories* seem to differ in terms of interest.

The *things* that the frames rely on are centered around similar principles. Firstly, both policy types focus on a perception of Sweden as a long-time advocate for strengthened Sami rights. Somewhat conflicting notions are expressed, concerning the adequacy of historical and contemporary Sami policies, in the frames that support the different outcomes of Swedish Sami policies. This ambiguity can be connected to Kymlicka's view on which minority rights can be motivated within liberal jurisprudence, furthermore, the focus on Sweden's dedication obscures how the Swedish - Sami relationship is really designed. Due to the fact that these challenges are expressed in both policy types, it is not enough to deem them as representing distinct views of multiculturalism, rather it exhibits that the policy types are conflicted within.

Furthermore, both types of policy documents rely on emphasising the Sami's status as an indigenous people. Nevertheless, the documents considering ILO 169, demonstrate other notions about Sami rights. These policy documents tend to either deem the Sami's status as an indigenous people imperative, equate Sami rights with those of other national minorities or refer to Sami rights as reindeer breeding rights, implying that they are of concern to the whole Sami population. Hence, the *things* that support the documents are partly focused around conflicting notions of Young's relational concept of autonomy, but not wholly. Consequently, I do not consider that the types of Swedish Sami policy that promote disparate outcomes, can be seen as applying conflicting assumptions. Rather, these observations demonstrate that the policy documents considering a ratification of ILO 169 apply conflicting notions within, rather than against the policy documents advocating Sami rights.

In conclusion, disparate frames do not support the different outcomes of Swedish Sami policy. Instead, this thesis has shown that the two types of Swedish Sami policies are as conflicted within, as in relation to each other. Consequently, the applying of different frames, does not explain why the policy types promote disparate ends, rather, the two policy types seem to differ in terms of interest.

## 5.4 Concluding Remarks

The following discussion aims to concretise the challenges that are inhibiting Swedish ratification of the ILO convention no. 169, through comparing notions that are expressed in the documents considering a ratification, with the rest. As shown above, the assumptions on multiculturalism that support the areas of Sami policy promoting different outcomes, cannot be described through them being sponsored by mutually incompatible frames. However, the policy types differ by terms of interest.

The policy documents considering a ratification of ILO 169 emphasise economic factors, leading to that problems arise regarding Sweden's obligation to cater for the interests of the majority, before the Sami. Young means that when there is a lack of recognition for minority rights, this is usually tied to questions regarding control over resources (Young, 2000, p. 105). I believe that these notions exemplify what Young means, that through making it a matter of majority versus minority interests, the question regarding a ratification has been delayed, time and time again, which in turn reinforces State-control over the reindeer grazing area.

Also, the a ratification of the ILO convention cannot be discussed without placing the interests of the reindeer breeding Sami, against other land users. These notions seem to constitute one of the major issues regarding a concession, namely, the consolidation of collective and individual rights. It would seem as this focus, through the policy documents focus on Sweden as having: “ [...] *a long tradition of commitment to weak, disadvantaged groups* [...]” (SOU 1999:25, p. 29), is impeding the possibility to motivate customary rights for the Sami.

Another challenge concerns statements about Sami identity. Sami identity is often equated with the rights of the reindeer breeding Sami, or likened to those of other national minorities. These notions in turn reinforce an official Sami identity, that does not correspond with the

Sami's definition. The Sami are an indigenous people and if Sami policy cannot consistently refer what Sami rights are and whom they concern, progress will be difficult.

Altogether it seems like notions of this sort are hindering political change regarding a ratification of ILO 169. Consequently, Swedish Sami policies must place Sami interests in land before those of other users and consistently refer to Sami rights as indigenous rights, in order to create a policy that truly corresponds to the Sami populations needs and preferences. And, it would rid Swedish Sami policy of the ambiguity that characterises it today.

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